



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 6, 1998

Ms. Cheryl N. Elliott  
General Counsel  
Texas Southern University  
3100 Cleburne Avenue  
Houston, Texas 77004

OR98-1867

Dear Ms. Elliott:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117335.

Texas Southern University (the "university") received a request for resumes of candidates for certain positions, along with any written comments by the search committee concerning the candidates. You have submitted to this office two resumes. It is our understanding that there are no written comments, so the resumes are the only documents that are responsive to the request. You assert that the resumes are protected from disclosure under section 552.102 of the Government Code.

Section 552.102(a) provides that information is excepted from disclosure "if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The test to determine whether information is private and excepted from disclosure under 552.102 of the Government Code, or under the common-law privacy aspect of section 552.101 of the Government Code, is whether the information is (1) highly intimate or embarrassing to a reasonable person *and* (2) of no legitimate public concern. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 930 (1977); *Hubert v. Harte-Hanks Texas Newspapers Inc.*, 652 S.W.2d 546 (Tex. App.-Austin 1983, writ ref'd n.r.e.).

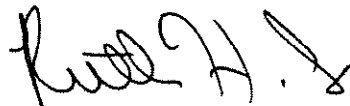
We have reviewed the resumes submitted to this office and conclude that none of the information included is protected from disclosure under section 552.101 or 552.102 of the Government Code. The candidate resumes contain names, addresses, and telephone numbers. However, this office has determined that names of applicants for positions are not

protected from disclosure under common-law privacy under sections 552.101 or 552.102. Open Records Decision No. 455 (1987). Neither are applicants' home addresses and home telephone numbers protected from disclosure under section 552.101 or 552.102. Open Records Decision No. 455 (1987).

We note, however, that one of the applicants is an employee of the university and thus his home telephone number and home address may be confidential. Sections 552.024 and 552.117 of the Government Code provide that a public employee or official can opt to keep private his or her home address, home telephone number, social security number, or information that reveals that the individual has family members. You must withhold this individual's home address and home telephone number if, as of the time of the request for the information, the employee had elected to keep the information private. Open Records Decision Nos. 530 (1989) at 5, 482 (1987) at 4, 455 (1987). The resumes at issue must be disclosed, except for the information on one resume that may be protected from disclosure under section 552.117 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 117335

Enclosures: Submitted documents

cc: Mr. Robert Jackson  
Texas Faculty Association  
1415 Southmore  
Houston, Texas 77004  
(w/o enclosures)